

07/03/03  
16569 U.S. PTO

07.07.03

19249 U.S. PTO  
10/613114  
07/03/03

<b>UTILITY PATENT APPLICATION TRANSMITTAL</b> (New Nonprovisional Applications Under 37 CFR § 1.53(b))	Attorney Docket No: <b>LEGAP007C3</b>
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**TO THE ASSISTANT COMMISSIONER FOR PATENTS:**

Transmitted herewith is the patent application of ( ) application identifier or (X) first named inventor, Steven Wahl, entitled RESOURCE ALLOCATION THROTTLE FOR REMOTE DATA MIRRORING SYSTEM, for a(n):

- ( ) Original Patent Application.
- (X) Continuing Application (prior application not abandoned):
- (X) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. 10/225,916, filed August 22, 2002, which is a
- (X) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. 09/702,187, filed October 30, 2000, which is a
- ( ) Continuation (X) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. 09/050,676, filed March 30, 1998.
- (X) Please add after the title of the application "This is a
- (X) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. 10/225,916, filed August 22, 2002, which is a,
- (X) Continuation ( ) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. 09/702,187, filed October 30, 2000, which is a
- ( ) Continuation (X) Divisional ( ) Continuation-in-part (CIP)  
of prior Application No. 09/050,676, filed March 30, 1998, which is hereby incorporated by reference."
- ( ) This application claims the benefit of U.S. Provisional Application  
No. \_\_\_\_\_, filed \_\_\_\_\_.

Enclosed are:

- (X) Specification; 50 Total Pages. (X) Drawing(s); 12 Total Sheets.
- ( ) Oath or Declaration:
- ( ) A Newly Executed Combined Declaration and Power of Attorney:
- ( ) Signed. ( ) Unsigned. ( ) Partially Signed.
- (X) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).
- ( ) Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).
- ( ) Power of Attorney. (X) Return Receipt Postcard.
- ( ) Associate Power of Attorney. (X) A Check in the amount of \$750.00 for the Filing Fee.
- (X) Preliminary Amendment. ( ) Information Disclosure Statement and Form PTO-1449.
- ( ) A Duplicate Copy of this Form for Processing Fee Against Deposit Account.
- ( ) Statement(s) of Status as a Small Entity.
- ( ) Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.
- (X) Request and Certification
- ( ) Other: \_\_\_\_\_

CLAIMS AS FILED				
FOR	NO. FILED	NO. EXTRA	RATE	FEE
Total Claims	5	0	\$18.00	\$ 0.00
Independent Claims	2	0	\$84.00	\$ 0.00
Multiple Dependent Claims (if applicable)				\$0.00
Assignment Recording Fee				N
Filing Fee				\$750.00
Total Fee				

At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account No. 50-0685 (Order No. LEGAP007C3).

Respectfully submitted,

By: Susan C. Yi  
Susan C. Yi, Reg. No. 39,883

Date: July 3, 2003

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I hereby certify that this is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated below and is addressed to:

Mail Stop Patent Application  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

By: Joanne Pontis

Typed Name: Joanne Pontis

Express Mail Label No.: EV323813672US

Date of Deposit: July 3, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:	)	Attorney Docket No. LEGAP007C3
	)	
WAHL et al.	)	Examiner: Unassigned
	)	
Application No: Unassigned	)	Art Unit: Unassigned
	)	
Filed: Herewith	)	
	)	
Title: RESOURCE ALLOCATION FOR	)	
<u>REMOTE DATA MIRRORING SYSTEM</u>	)	


REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. 122(b)(2)(B)(i)

Mail Stop Patent Application  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

I hereby certify that the invention disclosed in the attached application has not and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Respectfully submitted,

  
Susan C. Yi  
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